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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,374	04/13/2001	Sameer Sharma	13364-0001	3440
75	90 03/25/2004	ì	EXAMINER	
Thomas D. MacBlain			DYE, RENA	
Gallagher & Kennedy 2575 E. Camelback Road			ART UNIT	PAPER NUMBER
Phoenix, AZ 85016			3627	
			DATE MAILED: 03/25/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	Applicant(s)			
	09/834,374	SHARMA ET AL	SHARMA ET AL.			
Office Action Summary	Examiner	Art Unit	1			
	Rena L. Dye	3627	IM			
The MAILING DATE of this communication app Period for Reply	ears on the cover sh	eet with the correspondence a	naaress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 13 Ag	<u>oril 2001</u> .					
,=	action is non-final.					
3) Since this application is in condition for allowan			ne merits is			
closed in accordance with the practice under E	х рапе Quayle, 193	5 C.D. 11, 455 O.G. 215.				
Disposition of Claims						
4) ⊠ Claim(s) 1-94 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-94 are subject to restriction and/or expressions.						
Application Papers						
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the output of of the	epted or b) objector drawing(s) be held in a ion is required if the dr	awing(s) is objected to. See 37 (
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application from the International Bureau * See the attached detailed Office action for a list of the priority documents application for a list of the priority documents application for a list of the priority documents app	s have been receive s have been receive ity documents have ı (PCT Rule 17.2(a))	d. d in Application No been received in this Nationa).	al Stage			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Pap 5) 🔲 Not	erview Summary (PTO-413) er No(s)/Mail Date ice of Informal Patent Application (Pier:	TO-152)			

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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-21,22-26,44-66, drawn to a method of regularly replenishing supplies/method of operating a centralized supply order processing site.
 - II. Claims 27-43,67-77 drawn to a computer program.
- III. Claims 78-94, drawn to a system for the regular replenishing of supplies.

 The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as by a computer program that prepares a list of machine selected items, such as maintenance supplies, wherein the computer program instructs ordering of supplies based upon the given lifetime, required routine maintenance, and warranty of equipment.
- 3. Inventions Group I and Group III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one that does not require aggregating.

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4. Inventions Group II and Group III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not recite additional programming to await a confirming message from the remote computer installation and to produce a confirming communication for a client, as claimed in Group II. The subcombination has separate utility such as a computer program which does not require the aggregation of user-selected items.

- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. A telephone call was made to Thomas MacBlain on March 19, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rena L. Dye whose telephone number is 703-308-4331. The examiner can normally be reached on Monday-Tuesday 8:30 AM - 5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rena L. Dye Primary Examiner Art Unit 3627

R. Dye March 22, 2004